

31639

SERVICE DATE - MARCH 30, 2001

**SURFACE TRANSPORTATION BOARD**

WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**DOCKET NO. AB-33 (Sub No. 166X)**

**Union Pacific Railroad Company - Abandonment Exemption  
In Adams and Hall Counties, NE**

**BACKGROUND**

In the above entitled proceeding, Union Pacific Railroad Company (UPR) has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment and discontinuance of service over the Hansen Industrial Lead between milepost 1.0 near Hastings, NE to the end of the rail line at milepost 7.5 at Hansen, NE in Adams and Hall Counties, NE. In total, UPR proposes to abandon approximately 6.5 miles of rail line. A map depicting the rail line in relationship to the areas served is appended to the report. If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

**DESCRIPTION OF THE LINE**

According to UPR, there is only one shipper using the rail line, Heartland Co-op, who supports the proposed abandonment. UPR states that Heartland Co-op shipped 75 carloads in 2000 and 373 carloads in 1999. UPR also states that no overhead traffic is currently moving over the rail line. Additionally, UPR notes that, if approved, the rail line does not contain federally granted right-of-way.

The Line proposed for abandonment is located in south-central Nebraska and has 8 at-grade crossings that will be eliminated. UPR describes the areas traversed by the rail line as consisting of approximately 78 acres of non-reversionary property that traverses flat terrain. The rail corridor is bordered by light industrial and commercial properties. The rail line parallels US Highway 34/281 between Hastings and Hansen. UPR states that Adams County is interested in converting the rail line, if abandonment is approved, into a trail.

There are a total of 6 bridges located on the right-of-way that are 50 years old or older. UPR believes that all of the bridges are of ordinary construction and have no historic significance or value. UPR also believes that any archaeological sites within the right-of-way would have been disturbed during rail line construction and that salvage activities should not adversely impact previously undisturbed archaeological sites.

## **ENVIRONMENTAL REVIEW**

UPR has submitted an environmental and historic report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. UPR served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding. We have also consulted with appropriate agencies and individuals to verify the railroad's environmental and historical report and to obtain additional information and comments regarding the potential environmental effects of the proposed abandonment.

Comments have been received from the following agencies stating that the proposed abandonment will have no adverse impacts: U.S. Department of Agriculture, Natural Resources Conservation Service; State of Nebraska - Department of Environmental Quality; and the Adams County Board of Supervisors.

The following agencies have been contacted, however, to date, comments have not been received: U.S. Department of Commerce - National Geodetic Survey; U.S. Department of Interior, Fish and Wildlife Service - Region 6; U.S. Army Corps of Engineers - Omaha District; Nebraska State Historical Society; and the Hall County Board of Supervisors.

### **Transportation**

The Nebraska Department of Roads, Public Transit Section (NE-DOR) has stated their concern regarding track salvage activities including the proper disposal of salvaged rail ties and the potential adverse impact to at-grade crossings. NE-DOR therefore requests that UPR be required to prepare a track salvage workplan.

### **Water**

The EPA, Region 7, has not completed its review of the proposed abandonment with regard to the discharge of stormwater resulting from the disturbance of more than five acres of land.

The U.S. Army Corps of Engineers, Omaha District, has not completed its review of the proposed abandonment with regard salvage activities and their potential impact to waters of the United States.

The Nebraska Department of Environmental Quality has completed its review of the proposed abandonment and has no comment.

## **Biological Resources**

The U.S. Fish and Wildlife Service, Region 6, has not completed its review of the proposed abandonment with regard salvage activities and their potential impact to wildlife resources

## **Cultural and Historic Resources**

The National Geodetic Survey (NGS) has not completed its review of the proposed abandonment. NGS requests that it receive not less than 90 days' notification in advance of any salvage activities that may affect the marker in order to plan for their relocation.

The Nebraska State Historical Society has completed its review of the proposed abandonment and has no comment.

## **CONDITIONS**

Because many of the agencies we rely on to complete our environmental analysis have not yet completed their review, we preliminarily recommend the following conditions. A copy of the Environmental Assessment has been sent to those agencies for consideration.

1. **The U.S. Environmental Protection Agency (EPA), Region 7, has not completed its review of the proposed abandonment. Therefore, we recommend, that Union Pacific Railroad consult with EPA Region 7 and secure all necessary permits prior to initiation of salvage or disposal activities.**
2. **The U.S. Department of Commerce, National Geodetic Survey has not completed its review of the proposed abandonment. Therefore, we recommend that Union Pacific Railroad consult with NGS prior to initiation of any salvage operations and notify NGS not less than ninety days prior to commencement of such operations.**
3. **The U.S. Army Corps of Engineers, Omaha District (ACOE), has not completed its review of the proposed abandonment. Therefore, we recommend, that Union Pacific Railroad consult with ACOE and secure all necessary permits prior to initiation of salvage or disposal activities.**
4. **The Nebraska Department of Roads, Public Transportation Section (NE-DOR) requests that Union Pacific Railroad (UPR) prepare a track salvage work plan. Therefore, we recommend that UPR consult with NE-DOR prior to initiation of any salvage activities regarding the preparation of a track salvage work plan.**

5. **The Hall County Board of Supervisors (County) have not completed their review of the proposed abandonment. Accordingly, we recommend that Union Pacific Railroad consult with the County prior to initiation of any salvage activities in order to address any concerns the County may have.**

## **CONCLUSIONS**

Based on the information provided from all sources to date, we conclude that, as currently proposed and if the recommended conditions are imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and, therefore, no change in operations), discontinuance of service without abandonment and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

## **PUBLIC USE**

If abandonment and salvage of the rail line does take place, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Surface Transportation Board and served on the railroad within the time specified in the Federal Register notice.

## **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Surface Transportation Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. However, the Board will accept late-filed requests as long as it retains jurisdiction to do so. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

\_\_\_\_\_The Adams County Board of Supervisors has stated that they are interested in converting the right-of-way into a biking and hiking trail.

## **PUBLIC ASSISTANCE**

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592 or mail inquiries to the Surface Transportation Board, Office of Public Services, Washington, DC 20423.

## **ENVIRONMENTAL COMMENTS**

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Washington, DC 20423, to the attention of Troy Brady, who prepared this environmental assessment. **Please refer to Docket No. AB-33 (Sub No. 166X) in all correspondence addressed to the Board. Questions regarding this environmental assessment should be referred to Troy Brady at (202) 565-1554.**

Date made available to the public: March 30, 2001.

Comment due date: **April 30, 2001 (30 days).**

By the Surface Transportation Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Vernon A. Williams

MAP TO BE SCANNED